

APR. 2. 2003 12:09PM

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NO. 0903 P. 1



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Part of  
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April 2, 2003

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RECIPIENT/ PHONE NO.	FAX NO.	COMPANY/ CITY, STATE, COUNTRY
Examiner Lalita Hamilton Group 3764	703-746-6101	U.S. Patent and Trademark Office Washington, DC USA

Mary Anthony Merchant, Ph.D.

8

FROM

PAGES (WITH COVER)

01005-0111

USER: 2808

41946/247727

REFERENCE NO

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## COMMENTS

Attn: Examiner Lalita M. Hamilton (Art Unit 3764)

Applicant: Gibbins et al.  
 Title: Silver Containing Compositions, Devices and Methods For Making  
 Serial No./Docket No. 09/675,892 01005-0111 (41946-247727)  
 Filing Date: September 29, 2000  
 Examiner: L. M. Hamilton (Art Unit 3764)

## PAPERS SUBMITTED:

1. Transmittal Sheet (1 page)
2. Corrected/updated and re-executed Declaration and Power of Attorney (2, 4 pages total)
3. Copy of originally filed Declaration and Power of Attorney indicating the amendments by hand-written text (2 pages)

Date: April 2, 2003

By: Mary Anthony Merchant, Ph.D. - Reg. No. 39,771

The following amendments have been made in the re-executed Declaration and Power of Attorney:

- All of the priority documents (60/157,000, 60/212,455, 09/191,223, 08/971,074), their filing dates and, if applicable, patent numbers, which are listed on page one of the specification, are now listed on the corrected/updated Declaration and Power of Attorney.
- The address for Lance D. Hopman has been updated to state "10779 S.W. 106<sup>th</sup> Ave., Tigard, Oregon 97223."
- All correspondence is now directed to Customer Number 23370.
- The Power of Attorney has been updated to include all attorneys included in Customer Number 23370.
- The telephone number for direct calls has been corrected to state "404-815-6500."
- Minor changes in the text, as indicated on the originally filed Declaration and Power of Attorney.

We respectfully request that you enter the above amendments. Thank you for your assistance.

## TO BE COMPLETED BY KS OPERATIONS CENTER

TRANSMISSION RECEIPT DATE/TIME:

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JOB CODE

ATLANTA AUGUSTA CHARLOTTE LONDON MIAMI RALEIGH RESTON STOCKHOLM WASHINGTON WINSTON-SALEM  
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Received from &lt; &gt; at 4/2/03 12:10:10 PM [Eastern Standard Time]

## IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Application of: Gibbins, et al.

Docket No. 01005-0111 (41946-247727)

Serial No. 09/675,892

Examiner: L. M. Hamilton (Art Unit 3764)

Filed: September 29, 2000

For: Silver-Containing Compositions, Devices and Methods for Making

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

Transmitted herewith is a paper in the above-identified application.

- ☒ Corrected and re-executed Declaration and Power of Attorney (2, 4 pages total))  
☒ Copy of the originally filed Declaration and Power of Attorney indicating the amendments (2 pages)  
☒ No additional fee is required.

					SMALL ENTITY		OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	RATE	ADDIT. FEE
TOTAL		MINUS	20=	0	x9	\$	x18	\$
INDEP.		MINUS	3=	0	x42	\$	x84	\$
FIRST PRESENTATION OF								
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS					+140	\$	+280	\$
TOTAL						\$0	\$	
ADDITIONAL FEE						\$0	\$	

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16, or credit any overpayment, to Account No. 11-0855. A duplicate copy of this sheet is enclosed.

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Fax No. 703-746-6101, on April 2, 2003.

Mary Anthony Merchant, Ph.D. - Reg. No. 39,771

KILPATRICK STOCKTON LLP  
 1100 Peachtree Street  
 Suite 2800  
 Atlanta, Georgia 30309-4530  
 Telephone: 404/815-6500

By: Mary Anthony Merchant, Ph.D.  
 Attorney for Applicant

Reg. No. 39,771

## DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No. 01005-0111 (41946-247727)

In re Application of: **Bruce L. Gibbins and Lance D. Hopman**  
As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Silver-Containing Compositions, Devices and Methods for Making**, the specification of which:

☐ is attached hereto.

☒ was filed on September 29, 2000 as Application No. 09/675,892 and was amended on April 18, 2002 and October 30, 2002.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

Application No.	Country	Filing Date	Priority Claimed Under 35 USC §119
			Yes _____ No _____

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

60/157,000	10/1/1999	60/212,455	6/19/2000
(Application No.)	(Filing Date)	(Application No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status: patented, pending, abandoned
09/191,223	11/13/1998	patented (U.S. Patent No. 6,355,858)
08/971,074	11/14/1997	patented (U.S. Patent No. 5,928,174)

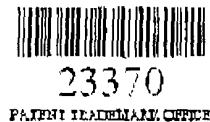
I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

POWER OF ATTORNEY: The following attorneys are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: **Customer Number 23370**

Direct all correspondence to: **Customer Number 23370**

AFFIX BAR

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Direct telephone calls at 404-315-6500, to Mary Anthony Merchant, Ph.D.

Full name of sole or first inventor: <b>Bruce L. Gibbins</b>	Citizenship: <b>United States</b>
Inventor's signature: <i>[Signature]</i>	Date: <b>12-10-02</b>
Residence and Post Office Address: <b>31 Walking Woods Drive, Lake Oswego, Oregon 97035</b>	

☒ Additional inventors are being named on separately numbered sheets attached hereto.

Attorney Docket No.: 01005-0111 (41946-247727)

Application Serial No.: 09/675,892

Title: Silver-Containing Compositions, Devices and Methods for Making

Page 2

Full name of second inventor, if any:	Lance D. Hopman	Citizenship:	United States
Inventor's signature		Date:	
Residence and Post Office Address:	10779 S.W. 106 <sup>th</sup> Ave., Tigard, Oregon 97223		

Full name of third inventor, if any:		Citizenship:	
Inventor's signature		Date:	
Residence and Post Office Address:			

Full name of fourth inventor, if any:		Citizenship:	
Inventor's signature		Date:	
Residence and Post Office Address:			

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## DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No. 01005-0111 (41946-247727)

In re Application of: **Bruce L. Gibbins and Lance D. Hopman**  
 As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Silver-Containing Compositions, Devices and Methods for Making**, the specification of which:

☐ is attached hereto.

☒ was filed on September 29, 2000 as Application No. 09/675,892 and was amended on April 18, 2002 and October 30, 2002.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

Application No.	Country	Filing Date	Priority Claimed Under 35 USC § 119
			Yes _____ No _____

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

60/157,000	10/1/1999	60/212,455	6/19/2000
(Application No.)	(Filing Date)	(Application No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status: patented, pending, abandoned
09/191,223	11/13/1998	patented (U.S. Patent No. 6,355,858)
08/971,074	11/14/1997	patented (U.S. Patent No. 5,928,174)

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

POWER OF ATTORNEY: The following attorneys are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: **Customer Number 23370**

Direct all correspondence to: **Customer Number 23370**

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23370

PATENT TRADEMARK CENTER

Direct telephone calls at 404-815-6500, to **Mary Anthony Merchant, Ph.D.**

Full name of sole or first inventor:	<b>Bruce L. Gibbins</b>	Citizenship:	<b>United States</b>
Inventor's signature		Date:	
Residence and Post Office Address:	<b>31 Walking Woods Drive, Lake Oswego, Oregon 97035</b>		

☒ Additional inventors are being named on separately numbered sheets attached hereto.

APR. 2. 2003 12:11PM

KILPATRICK STOCKTON

NO. 0903 P. 6

Attorney Docket No.: 01005-0111 (41946-247727)

Application Serial No.: 09/675,892

**Title:** Silver-Containing Compositions, Devices and Methods for Making

Page 2

Full name of second inventor, if any:	Lance D. Hopman	Citizenship:	United States
Inventor's signature	<i>L D Hopman</i>	Date:	12-3-02
Residence and Post Office Address:	10779 S.W. 106 <sup>th</sup> Ave., Tigard, Oregon 97223		

Full name of third inventor, if any:	Citizenship:
Inventor's signature	Date:
Residence and Post Office Address:	

Full name of fourth inventor, if any:	Citizenship:
Inventor's signature	Date:
Residence and Post Office Address:	

1. The first part of the report is a general introduction to the project. It describes the purpose of the study, the objectives, and the scope of the work. It also provides a brief overview of the methodology used in the research.

ATLANTA 96588

Received from < > at 4/2/03 12:10:10 PM [Eastern Standard Time]

In re Application of: Bruce L. Gibbins and Lance D. Hopman  
As a below named inventor, I hereby declare that:

(if only one name is listed below) or an original, first and joint inventor (if plural)  
My residence, post office address and citizenship are as stated below next to my name. I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: "Silver Containing Compositions, Devices and Methods for Making", the specification of which was filed October 1, 1999 under Provisional Application No. 60/157,000: *now below*

☒ is attached hereto.  
→ ☐ was filed on *Sept. 29, 2000* or . . .

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

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Application No.	Country	Filing Date	Priority Claimed Under 35 USC §119
			Yes _____ No _____

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date	Application No.	Filing Date
→ 60/157,000	→ 10/1/1999	→ 60/212,455	→ 6/19/2000

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

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→ 08/971,074	→ 11/14/1997	→ U.S. Patent No. 5,928,174

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

→ Customer Number 23370 *Ref Code Label 23370*  
POWER OF ATTORNEY: The following attorneys are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Anthony B. Askew - 24,154; Roger T. Frost - 22,176; Robert E. Richards - 29,105; Stephen M. Schaezel - 31,418; Larry A. Roberts - 31,871; James Dean Johnson - 31,771; Jamie L. Greene - 32,467; Mary Anthony Merchant - 39,771; Brenda Ozaki Holmes - 40,339; Leona G. Young - 37,266; Kimberly J. Prior - 41,483; Theodore M. Green - 41,801; John K. McDonald - 42,860; Suzanne Seavello Shope - 37,933; Sima Singadia Kulkarni - 43,732; Christopher J. Chan - 44,070; John M. Briski - 44,562; S. Craig Hemenway - 44,759; Paul E. Knowlton - 44,842; Charles E. Peeler - 45,004; Cheryl L. Huseman - 45,392; Shelby B. Grier - 45,785; Vaibhav P. Kadaba - 45,865; Donald R. Andersen - 28,280; Joseph Bennett-Paris - P47,226

→ 23370  
Send correspondence to: KILPATRICK STOCKTON LLP  
2400 Monarch Tower, 3424 Peachtree Road, N.E.  
Atlanta, GA 30326

Direct telephone calls at (404) 949-2400

Mary Anthony Merchant, Ph.D.

Full name of sole or first inventor: Bruce L. Gibbins, Ph.D.	Citizenship: United States
Inventor's signature: <i>Bruce L. Gibbins</i>	Date: 9-27-00
Residence and Post Office Address: 31 Walking Woods Drive, Lake Oswego, Oregon 97035	

☒ Additional inventors are being named on separately numbered sheets attached hereto.

Attorney Docket No.: 41946.247727

Title: "Silver Containing Compositions, Devices and Methods for Making"

Page 2

Full name of second inventor, if any: Lance D. Hopman	Citizenship: United States
Inventor's signature <i>[Signature]</i>	Date: 9-27-00
Residence and Post Office Address: 19585 SW Celebrity Street, Aloha, Oregon 97007 10779 S.W. 106th Ave., Tigard, Oregon 97223	
Full name of third inventor, if any:	Citizenship:
Inventor's signature	Date:
Residence and Post Office Address:	
Full name of fourth inventor, if any:	Citizenship:
Inventor's signature	Date:
Residence and Post Office Address:	